



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

**G453/45388**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on **July 3, 2008**

Signature

Typed or printed name

**Renne M.F. Wyzykowski**

Application Number

**09/928,036**

Filed

**August 8, 2001**

First Named Inventor

**Adi Harari**

Art Unit

**3694**

Examiner

**Ojo O. Oyebisi**

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)☒

attorney or agent of record.

Registration number **41,661**☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

Signature

**Daniel M. Cavanagh**

Typed or printed name

**626/795-9900**

Telephone number

**July 3, 2008**

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒\*Total of **1** forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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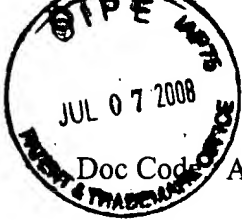
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*Renne M.F. Wyzykowski*  
Renne M.F. Wyzykowski

Applicant : Adi Harari  
Application No. : 09/928,036  
Filed : August 8, 2001  
Title : METHODS AND SYSTEMS FOR AUTOMATED LOAN  
ORIGINATION, PROCESSING AND APPROVAL  
Grp./Div. : 3694  
Examiner : Ojo O. Oyebisi  
Customer No. : 23363  
Docket No. : 45388/G453

Confirmation No. 5221

ARGUMENTS ACCOMPANYING PRE-APPEAL BRIEF  
REQUEST FOR REVIEW

**Mail Stop AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Post Office Box 7068  
Pasadena, CA 91109-7068  
July 3, 2008

Commissioner:

Applicant is filing this paper concurrently with a Pre-Appeal Brief Request for Review (form PTO/SB/33) and a Notice of Appeal.

Claim 1 is the sole subject of this request for review.

Claim 1 specifies "establishing a mortgage broker business relationship...between a broker and a lender through one or more legal agreements." The Office action indicates that Broadbent discloses, at col. 6, lines 15-32 and col. 11, lines 20-25, "establishing a mortgage broker business relationship pertaining to a loan transaction between a broker and a lender through one or more legal agreements." Office action, p. 2-3.

Broadbent at col. 6, lines 15-32 does not mention any agreement. Accordingly, col. 6, lines 15-32 of Broadbent cannot disclose establishing a mortgage broker business relationship...between a broker and a lender through one or more legal agreements.

The Office action also points to Broadbent at col. 11, lines 20-25. Again, this portion of Broadbent does not reference an agreement between a broker and a lender. Accordingly, this section of Broadbent cannot disclose "establishing a mortgage broker business relationship...between a broker and a lender through one or more legal agreements."

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). Accordingly, the rejection of claim 1 under 35 U.S.C. §102(e) is inappropriate. Claim 1 and dependent claims 2-12 are allowable.

In the Response to Arguments section, the Office action indicates that Broadbent discloses a business relationship between a broker and a lender, and that the Office action points to portions of Broadbent that are perceived as disclosing these limitations.

In this regard, the Office action indicates that a loan originator is a lender. Office action, p. 14. The loan originator, however, works with the buyer (Broadbent, col. 9, lines 8-15) and is an employee of OnePipeline (Broadbent, col. 12, lines 8-9). The lenders are a different entity. See, e.g., Broadbent, col. 11, lines 8-12 ("OnePipeline's System and Program also will make available and support secondary lien, fixed and variable rate, closed-end loan products and interest rates available from its participating lenders.")

The Response to Arguments section also indicates that a part time W2 employer/employee relationship and a mortgage broker business relationship are synonymous, that "An employment agreement is, at its core a 'business relationship' between two parties." Office action, p. 14. Claim 1 specifies a particular business relationship, a business relationship that is not an employer/employee relationship. As Broadbent does not disclose a mortgage broker business relationship established through legal agreements between the loan originator and OnePipeline a rejection under 35 U.S.C. §102 is improper.

Applicants respectfully request withdrawal of the rejection of claim 1 and its dependent claims.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By



Daniel M. Cavanagh, Reg. No. 41,661  
Telephone: 626/795-9900

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*Renne M.F. Wyzykowski*  
Renne M.F. Wyzykowski

Confirmation No. 5221

Applicant : Adi Harari  
Application No. : 09/928,036  
Filed : August 8, 2001  
Title : METHODS AND SYSTEMS FOR AUTOMATED LOAN  
ORIGINATION, PROCESSING AND APPROVAL  
Grp./Div. : 3694  
Examiner : Ojo O. Oyebisi  
Customer No. : 23363  
Docket No. : 45388/G453

ARGUMENTS ACCOMPANYING PRE-APPEAL BRIEF  
REQUEST FOR REVIEW

**Mail Stop AF**

Commissioner for Patents  
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Alexandria, VA 22313-1450

Post Office Box 7068  
Pasadena, CA 91109-7068  
July 3, 2008

Commissioner:

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Claim 1 is the sole subject of this request for review.

Claim 1 specifies "establishing a mortgage broker business relationship...between a broker and a lender through one or more legal agreements." The Office action indicates that Broadbent discloses, at col. 6, lines 15-32 and col. 11, lines 20-25, "establishing a mortgage broker business relationship pertaining to a loan transaction between a broker and a lender through one or more legal agreements." Office action, p. 2-3.

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**Application No. 09/928,036**

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In this regard, the Office action indicates that a loan originator is a lender. Office action, p. 14. The loan originator, however, works with the buyer (Broadbent, col. 9, lines 8-15) and is an employee of OnePipeline (Broadbent, col. 12, lines 8-9). The lenders are a different entity. See, e.g., Broadbent, col. 11, lines 8-12 ("OnePipeline's System and Program also will make available and support secondary lien, fixed and variable rate, closed-end loan products and interest rates available from its participating lenders.")

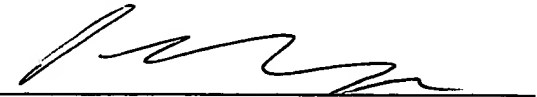
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Grp./Div. : 3694  
Examiner : Ojo O. Oyebisi  
Customer No. : 23363  
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Confirmation No. 5221

ARGUMENTS ACCOMPANYING PRE-APPEAL BRIEF  
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